

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	CASE NO.: C-1-01-649
Plaintiffs,	:	Judge Spiegel
vs.	:	
CITY OF SHARONVILLE, OHIO, et al.	:	DEFENDANTS' NOTICE OF WITHDRAWAL OF SUBPOENA <u>SERVED ON PLAINTIFFS' COUNSEL</u>
Defendants.	:	

Defendants served a subpoena on Plaintiffs' current counsel to question them about part of the content of the Declaration of Plaintiffs' former counsel, Jay Clark,¹ as well as the arguments made by Plaintiffs based upon that Declaration. Subsequent to the issuance of the subpoena the deposition of Attorney Clark was taken. After a careful review of the transcript of Attorney Clark's deposition, Defendants have concluded that it is not necessary for them to take the depositions of Plaintiffs' current counsel or call them as witnesses at trial. As such, Defendants hereby provide notice that the subpoena served on Plaintiffs' current counsel is withdrawn.

¹The Declaration is attached to Plaintiffs' memorandum in opposition to Defendants' statute of limitations summary judgment motion. The Declaration and drafts of the Declaration were written by Plaintiffs current counsel, and the final version of the Declaration is materially different than the drafts Plaintiffs' current counsel requested that Attorney Clark sign.

Respectfully submitted,

s/Brian E. Hurley

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2005, a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Brian E. Hurley

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